

Message Text

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ACTION EUR-12

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TO SECSTATE WASHDC 3136

INFO AMEMBASSY BONN

AMCONSUL BREMEN

AMCONSUL DUSSELDORF

AMCONSUL HAMBURG

AMCONSUL FRANKFURT

AMCONSUL MUNICH

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E. O. 11652: N/A

TAGS: PINS GW

SUBJ: FINAL CURTAIN OPENS IN BAADER-MEINHOF TRIAL

REFS: STUTTGART 927, STUTTGART 905

1. SUMMARY: PROSECUTION HAS PRESENTED FINAL ARGUMENTS IN BAADER-MEINHOF TRIAL AND DEMANDED LIFE SENTENCES FOR BAADER, ENSSLIN AND RASPE. POLITICAL JUSTIFICATION FOR CRIMINAL ACTS AGAIN REJECTED. DEFENSE SEEKING TO INTRODUCE TERRORIST ROLF POHLE, AS WITNESS TO ATTACK CREDIBILITY OF PROSECUTION WITNESS GERHARD MUELLER. VERDICT EXPECTED EARLY NOVEMBER. TRIAL RECESSED UNTIL OCTOBER 18. END SUMMARY.

2. PROSECUTION IN BAADER-MEINHOF TRIAL HAS CONCLUDED THREE-DAY FINAL ARGUMENT AND DEMANDED LIFE IMPRISONMENT FOR ANDREAS BAADER, GUDRUN ENSSLIN, AND JAN CARL RASPE. ARGUMENT FOCUSED PRIMARILY ON MAJOR CHARGES INCLUDING EXPLOSIONS AT US FACILI-

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TIES IN FRANKFURT AND HEIDELBERG KILLING FOUR PERSONS. QUES-

TION OF LESSER CHARGES REMAINS OPEN.

3. WHILE CONCEDED THAT SOME OF SPECIFIC CRIMINAL ACTIONS MAY HAVE BEEN IN PART POLITICALLY MOTIVATED SUCH AS PROTESTS AGAINST US MINING OF HAIPHONG HARBOR DURING THE VIETNAM WAR, PROSECUTION AGAIN REJECTED BASIC DEFENSE CONTENTION THAT BAADER-MEINHOF ACTIVITIES JUSTIFIED ON POLITICAL GROUNDS. MEMBERS DESCRIBED AS PART OF A CRIMINAL ASSOCIATION WHO HAD PLACED THEMSELVES BEYOND THE LAW AND WHO HAD REJECTED THE CONCEPT OF THE FRG AS A DEMOCRATIC STATE ABLE TO GUARANTEE AND PROTECT THE RIGHTS OF ITS CITIZENS.

4. DESPITE EARLIER "GENTLEMAN'S AGREEMENT" BETWEEN PROSECUTION AND DEFENSE TO SPEED THINGS UP IN SIXTEEN-MONTH LONG TRIAL BY NOT INTERRUPTING FINAL ARGUMENTS WITH NEW EVIDENCE, POSSIBILITY EXISTS THAT DEFENSE MAY TRY TO INTRODUCE TERRORIST ROLF PHOLE, RECENTLY EXTRADITED FROM GREECE, IN ATTEMPT TO REBUT CRITICAL TESTIMONY OF KEY PROSECUTION WITNESS GERHARD MUELLER (REFTELS).

5. PUBLIC SPECULATION HERE ANTICIPATES VERDICT FAIRLY EARLY IN NOVEMBER BUT CONGEN CONTACTS NOT SO OPTIMISTIC. TRIAL RECESSED UNTIL OCTOBER 18 WHEN DEFENSE WILL BEGIN ITS FINAL ARGUMENTS.

6. COMMENT: POSSIBILITY OF LAST MINUTE SWITCH IN DEFENSE TACTICS WHICH COULD DELAY OR EXTEND TRIAL STILL EXISTS DESPITE FACT THAT DEFENDANTS HAVE NOT BEEN PRESENT AT TRIAL SESSIONS EXCEPT FOR ONE DAY SINCE SUICIDE OF ULRIKE MEINHOF LAST MAY. US ROLE AS ONE OF MAJOR BAADER-MEINHOF TARGETS AT THE MOMENT NOT BEING SINGLED OUT FOR SPECIAL ATTENTION. POLICE HERE STILL VERY MUCH ON THE ALERT AND HAVE AN "ANYTHING CAN STILL HAPPEN" ATTITUDE AS TRIAL ENTERS FINAL PHASES. JENKINS

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